IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4408 OF 2005

Rabinder K.Patra and Anr. ..Applicants

Vs.

Marico Industries Ltd. & Anr...Respondents

...

Mr. Tarun Kumar Sinha Advocate for Applicants
Mr. D.P.Adsule, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : AUGUST 19,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of proceedings relating to Criminal Case No.815/S/2002 (Old Case No. 634/S/2000) which is pending before the learned M.M. 12th Court, Bandra, Mumbai. In the said case, the process has been issued against the applicants under Section 138 r.w. 142 of

Negotiable Instruments Act. The learned advocate for the applicants submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. If the process issued against the applicant is set aside, the proceedings in respect of the applicant, would come to an end.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from

today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]